

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY'S PETITION)	
REQUESTING THE COMMISSION'S)	CASE NO.
INTERVENTION IN NANPA NXX CODE)	2008-00253
ASSIGNMENTS (NPA 502))	

O R D E R

On July 2, 2008, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting this Commission to review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

AT&T Kentucky explains that the assignment of one block of 1,000 numbers is needed to meet the numbering demands of Nelson County Schools in Bardstown, Kentucky, a customer of AT&T Kentucky. Specifically, the code assignment request is for a growth code in the 502 NPA to meet Nelson County Schools' request for a

¹ NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

dedicated block of 1,000 sequential numbers.² AT&T Kentucky does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Bardstown rate center and is unable to meet Nelson County Schools' specific need for numbering resources. Hence, on June 26, 2008, AT&T Kentucky electronically submitted to NANPA an application requesting assignment of one block of 1,000 numbers in the Bardstown rate center in order to address the business needs of Nelson County Schools.³ The application process with NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that AT&T Kentucky did not meet the FCC's required guideline for MTE of 6 months or less or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that AT&T Kentucky's request for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's

² See AT&T Kentucky's Petition for Review.

³ Specifically, the code block request submitted by AT&T Kentucky was for its Bardstown switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Bardstown rate center was calculated to be 25.25 months with a utilization rate of 68.109 percent.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been exhausted. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Nelson County Schools, for a dedicated block of 1,000 sequential numbers. AT&T Kentucky advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Bardstown rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Bardstown rate center to the extent that no combination of existing numbering resources in the Bardstown rate center can be employed to meet the customer's demand for a dedicated block of 1,000 sequential numbers. According to AT&T Kentucky, its Bardstown switch serving the Bardstown rate center does not have a large enough block of sequential numbers to meet the customer's need.

This Commission finds that NANPA's determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and NANPA should be directed to assign to AT&T Kentucky a new central office code in the Bardstown rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Nelson County Schools, in the Bardstown rate center. If the service

⁶ See generally, 47 C.F.R. § 52.

requested by Nelson County Schools is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to NANPA and may not be utilized to serve other customers without first meeting NANPA's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's Petition regarding NANPA's denial of its application for assignment of additional numbering resources in the 502 Numbering Plan Area is granted.

2. The decision of NANPA denying AT&T Kentucky's request for assignment of one block of 1,000 numbers in the Bardstown rate center is hereby overturned.

3. NANPA shall assign AT&T Kentucky an available block of 1,000 sequential numbers for the Bardstown switch in the Bardstown rate center.

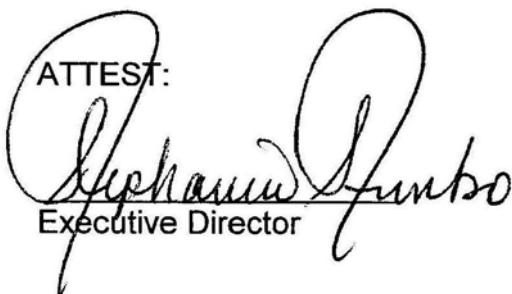
4. The numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Nelson County Schools, in the Bardstown rate center. If the service requested by Nelson County Schools is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA.

Done at Frankfort, Kentucky, this 29th day of July, 2008.

By the Commission

Chairman Armstrong Abstains.

ATTEST:


Executive Director